

Message Text

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ACTION EB-08

INFO OCT-01 ARA-10 ISO-00 ERDA-07 AID-05 CEA-01
CIAE-00 COME-00 DODE-00 FPC-01 H-02 INR-07 INT-05
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E.O. 11652: N/A
TAGS: EMIN, ENRG, US, TD
SUBJECT: RECIPROCITY PROVISIONS OF MINERAL LEASING ACT
OF 1920

REF: (A) STATE 70022, (B) STATE 43450, (C) PORT OF SPAIN 278
(D) 76 STATE 313732

1. UNDER THE PETROLEUM ACT OF 1969, THE GOVERNMENT OF TRINIDAD AND TOBAGO HAS THE AUTHORITY TO CONTROL EXPLORATION, DEVELOPMENT AND PRODUCTION OF ALL PETROLEUM RESOURCES IN TRINIDAD AND TOBAGO. THE GOVERNMENT'S CONTROL IS EXERCISED THROUGH THE ISSUANCE OF LICENSES WHICH GIVE THE RECIPIENT SPECIFIED RIGHTS TO EXPLOIT THE PETROLEUM RESOURCES IN A SPECIFIED AREA. THE LICENSE DOES NOT CONVEY ACTUAL OWNERSHIP OF THE LAND, SEABED, OR THE PETROLEUM ITSELF TO THE LICENSEES. LEASES ARE NOT NOW USED BY THE GOVERNMENT IN THIS REGARD. THERE ARE NO NATIONALITY RESTRICTIONS AS TO WHOM THE GOVERNMENT MAY ISSUE A LICENSE. SEVERAL AMERICAN FIRMS CURRENTLY HOLD SUCH LICENSES. THE ONLY RESTRICTION IMPOSED BY LAW IS THAT COMPANIES HOLDING LICENSES WHICH ARE NOT NORMALLY RESIDENT IN TRINIDAD AND TOBAGO MUST ESTABLISH AN OFFICE IN TRINIDAD AND TOBAGO FOR LEGAL PURPOSES. THE SPECIFIC PROVISIONS OF THE LAW COVERING UNCLASSIFIED

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THIS AREA ARE SECTION 6, 15 AND 23 OF ACT NO. 34 OF 1969.

2. THE ACTUAL OWNERSHIP OF LAND IN TRINIDAD AND TOBAGO OR SHARES IN T&T CORPORATIONS BY PERSONS WHO ARE NOT ANTIIONALS OF TRINIDAD AND TOBAGO OR CORPORATIONS WHICH ARE OWNED OR DIRECTED BY PERSONS WHO ARE NOT NATIONALS OF TRINIDAD AND TOBAGO IS REGULATED BY THE ALIEN'S (LAND HOLDING) ORDINANCE,

CHAPTER 21, NO. 3 OF THE REVISED ORDINANCES OF 1950, AS AMENDED. THIS ORDINANCE PROVIDES THAT PERSONS WHO ARE NOT NATIONALS OF TRINIDAD AND TOBAGO AND FOREIGN-OWNED OR REGISTERED CORPORATIONS MUST OBTAIN A LICENSE FROM THE MINISTRY OF FINANCE BEFORE THEY MAY BUY LAND, PROPERTY OR HOLD SHARES IN FIRMS INCORPORATED IN TRINIDAD AND TOBAGO. WE ARE NOT AWARE THAT THIS ACT HAS BEEN USED TO DISCRIMINATE AGAINST AMERICAN CITIZENS OR AMERICAN COMPANIES, BUT THE CUMBERSOME ADMINISTRATIVE PROCEDURES REQUIRED FOR OBTAINING LICENSES UNDER THE ORDINANCE HAS A DAMPENING EFFECT ON THE ACQUISITION BY FOREIGNERS OF LAND, PROPERTY, AND SHARES IN TRINIDAD AND TOBAGO.

3. FROM OUR READING OF THE U.S. AND TRINIDAD AND TOBAGO LAWS, AND A DISCUSSION WITH A LEGAL OFFICER OF THE T&T MINISTRY OF PETROLEUM AND MINES, IT IS OUR OPINION THAT TRINIDAD AND TOBAGO STILL EXTENDS RECIPROCITY UNDER THE TERMS OF THE U.S. MINERAL LEASING ACT OF 1920.
RICH

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